

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSEPH GANJE,

Plaintiff,

V.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 2:15-cv-0074 JRC

ORDER TO SHOW CAUSE WHY
THIS MATTER SHOULD NOT
BE DISMISSED

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and

Local Magistrate Judge Rule MJR 13 (see also Notice of Initial Assignment to a U.S.

Magistrate Judge and Consent Form, Dkt. 2; Consent to Proceed Before a United States

Magistrate Judge Dkt. 4)

Because there is no evidence in the record that this case has been served properly as to all relevant entities, the Court hereby orders plaintiff to provide proof of service or show cause by November 13, 2015 why this matter should not be dismissed for lack of prosecution.

PROCEDURAL HISTORY

This case was filed in this Court on January 16, 2015 (Dkt. 1). An Affidavit of Service (Dkt. 6) was filed on January 29, 2015 informing the Court that the Summons and Complaint had been served, but only as to defendant, CAROLYN W. COLVIN, Acting Commissioner of the Social Security Administration. A Notice of Appearance (Dkt. 5) on behalf of defendant was filed on January 29, 2015.

STANDARD

Fed. R. Civ. P. 4(i) governs service with respect to complaints against the United States and against United States agencies, officers and employees. *See* Fed. R. Civ. P. 4(i); *see also Villegas v. Astrue*, No. 12-cv-1585, 2012 U.S. Dist. LEXIS 55223 at *1-*2 (C.D. Cal. April 18, 2012) (unpublished opinion) (*citing* Fed. R. Civ. P. 41(b)).

Regarding social security complaints, “Rule 4(i) requires plaintiff to serve a summons and copy of complaint on the following entities: (a) the United States attorney for the district in which the action is brought or to an assistant United States attorney or clerical employee designated by the United States attorney in a writing filed with the clerk of court or the civil process clerk at the office of the United States attorney; (b) the Attorney General of the United States at Washington, District of Columbia; and (c) the officer or agency.” Fed. R. Civ. P. 4(i). In addition, Fed. R. Civ. P. 4(l) requires proof of service to be filed or made to the court.

Fed. R. Civ. P. 4(m) requires the court to provide notice to plaintiff before the matter may be dismissed for lack of prosecution, and Rule 4(i)(4) requires the court to allow a reasonable time for plaintiff to cure a failure to serve multiple entities, if plaintiff

1 has effected service on either the United States attorney or the Attorney General of the
2 United States.

3 DISCUSSION

4 Here, it appears from the record that only defendant, CAROLYN W. COLVIN,
5 Acting Commissioner of the Social Security Administration, has been served in this case.
6 However, Fed. R. Civ. P. 4(i) requires multiple entities to be served with respect to cases
7 against agencies of the United States, including the United States attorney and the
8 Attorney General of the United States. Therefore, plaintiff has failed to comply with this
9 Rule and failed to prosecute this matter properly, *see* Fed. R. Civ. P. 4(i), or has failed to
10 provide proof of service to the Court, as required by Fed. R. Civ. P. 4(l).

12 CONCLUSION

13 Plaintiff is ordered to provide proof of service or show cause why this matter
14 should not be dismissed for lack of prosecution by November 13, 2015. Failure to
15 provide proof of service within this time period or show cause within this time period
16 shall result in an order dismissing this action.

17 Dated this 23rd day of October, 2015.

19 
20 J. Richard Creatura
21 United States Magistrate Judge